

REMARKS

Applicants have carefully studied the outstanding Official Action. The present amendment is intended to be fully responsive to all points of rejection and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the present application are hereby respectfully requested.

Claims 1 - 18 were pending in the present application before the present amendment. The present amendment: amends certain claims, as discussed below; cancels claims 6 and 7; and adds new claims 19 and 20. Thus, claims 1 - 5 and 8 - 20 are pending in the present application after the present amendment.

Applicants thank the Examiner for the courtesy of an interview granted to Applicants' representative David Zviel, registration number 41,392, on 14 June 2004. In the interview, a proposed amendment to claim 1 was discussed with reference to US Patent 6,473,858 to Shimomura et al. The Examiner agreed that the proposed amendment appeared to overcome the basis of rejection of claim 1 over Shimomura et al, subject to further consideration upon receipt of the present amendment. New claim 20, added by the present amendment, corresponds to the proposed amended claim 1 as discussed in the interview.

Applicants gratefully acknowledge the Examiner's indication that claims 7 and 11 would be allowable if rewritten in proper independent form, including the limitations of the base claim and any intervening claims.

The specification stands objected to due to an informality on page 13. The informality has been corrected accordingly. The title has also been added to the specification.

Claims 1, 2, 4, 5, 9, 10, and 12 - 18 stand rejected under 35 USC 102(e) as being anticipated by US Patent 6,473,858 to Shimomura et al.

Shimomura et al describes a data broadcasting system including quality of service features.

Claim 1 has been amended to include the recitation of claim 7, which the Examiner indicated would be allowable if rewritten in proper

independent form, as well as the recitation of intervening claim 6. Consequential amendments have been made to the dependency of claim 8.

Claim 1 is therefore deemed allowable.

Claims 2, 4, 5, 9, 10, and 12 - 14 depend directly or indirectly from amended claim 1 and recite additional patentable subject matter.

Claims 2, 4, 5, 9, 10, and 12 - 14 are therefore deemed allowable.

Claim 15 is a system claim corresponding to claim 1 and has been amended similarly to claim 1. The amendment to claim 15 is supported, *inter alia*, by Figs. 1 and 2, and by the description thereof on page 13 of the specification.

Amended claim 15 is therefore deemed allowable.

Claims 16 - 18 depend directly or indirectly from amended claim 15 and are therefore deemed allowable.

Claim 3 stands rejected under 35 USC 103(a) as being unpatentable over Shimomura and further in view of US Patent 6,393,562 to Maillard.

Maillard describes a conditional access system including Entitlement Control Messages (ECM) and Entitlement Management Messages (EMM).

Claim 3 depends indirectly from amended claim 1 and recites additional patentable subject matter.

Claim 3 is therefore deemed allowable with reference to the above discussion of the allowability of amended claim 1.

Claims 6 and 8 stand rejected under 35 USC 103(a) as being unpatentable over Shimomura et al, and further in view of US Patent 6,553,568 to Fijolek et al.

Fijolek et al describes a system for service level agreement enforcement in a data-over-cable system.

Claim 6 has been cancelled.

The dependency of claim 8 has been amended, as discussed above, consequently to the amendment to claim 1. Amended claim 8 depends from amended claim 1 and recites additional patentable subject matter.

Amended claim 8 is therefore deemed allowable.

New claims 19 and 20 have been added.

New claim 19 corresponds to originally filed claim 11, rewritten in independent form, including correction of a minor typographical error. Originally filed claim 11 was indicated by the Examiner to be allowable if rewritten in independent form.

New claim 19 is therefore deemed allowable.

Claim 11 is amended to correct the minor typographical error. It depends from amended claim 1 and is therefore deemed allowable.

New claim 20 corresponds to originally filed claim 5 rewritten in independent form, with the recitation of "a data transmission bandwidth" removed from the last clause of the claim. As discussed in the above-mentioned interview, Applicants have carefully studied Shimomura and the other prior art of record and find that the combination now recited in claim 20, particularly with reference to the last clause of claim 20 ("each one of the plurality of service-levels includes an indication of at least one of the following: a number of users that may concurrently connect to the transmission service; a set of transmission applications served; a type of downgrade support to a service-level lower in the QOS hierarchy; a type of disconnect-on-idle operation; and a determination of a Web server to connect to"), is nowhere shown or suggested in the prior art of record.


New claim 20 is therefore deemed allowable.

In view of the foregoing remarks, it is respectfully submitted that the present application is now in condition for allowance. Favorable reconsideration and allowance of the present application are respectfully requested.

Respectfully submitted,

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